

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 12-9661 PA (RZx) | Date | December 14, 2012 |
| Title | Martha Alvarez v. Wells Fargo Bank, N.A., et al. | | |

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| Present: The Honorable | PERCY ANDERSON, UNITED STATES DISTRICT JUDGE | | |
| Paul Songco | Not Reported | | N/A |
| Deputy Clerk | Court Reporter | | Tape No. |
| Attorneys Present for Plaintiffs: | | Attorneys Present for Defendants: | |
| None | | None | |

Proceedings: IN CHAMBERS - COURT ORDER

Before the Court is a Motion to Dismiss and a Motion Strike Portions of Plaintiff's Complaint filed by Defendant Wells Fargo Bank, N.A. ("Defendant"). [Docket Nos. 7-8.] The Court is in receipt of a First Amended Complaint filed by plaintiff Martha Alvarez ("Plaintiff") on December 7, 2012. Plaintiff has filed the First Amended Complaint as a matter of right pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), which allows a party to "amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b)" Therefore, Defendant's Motion to Dismiss Plaintiff's Complaint and Motion to Strike Portions of Plaintiff's Complaint are denied as moot. The hearing calendared for December 17, 2012, is vacated and the matter taken off calendar.

IT IS SO ORDERED.